(43)

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.157/PC/46/Add.8
15 September 1992

Original: ENGLISH

WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Third session
Geneva, 14-18 September 1992
Agenda item 7

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE AND DOCUMENTATION, INCLUDING THE QUESTION OF THE FINAL OUTCOME

Recommendations concerning the provisional agenda of the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

Contents

RECOMMENDATIONS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS .....

World Federation of United Nations Associations .....

GE.92-14088/0942K (E)

SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

1. The Preamble to the Universal Declaration of Human Rights asserts "that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of justice and peace in the world." On 10 November 1975, the United Nations General Assembly called on all States to prevent the use of scientific and technological developments to limit or interfere with the enjoyment of human rights and fundamental freedoms. This appeal has, for all practical purposes, been ignored. Consequently, the basic assumptions in the Preamble to the Universal Declaration are today threatened by powerful technologies.

2. It has been left to a few jurists, prominent among whom is the Hon. Mr. Justice C.W. Weeramantry, at present a Judge of the International Court of Justice, to focus on the threats posed by science and technology to the assumptions mentioned in the Preamble to the Universal Declaration and to several articles of the Declaration itself. He does so in two books. The first of these is entitled The Slumbering Sentinels, the implication being that the sentinels, who are expected to be protecting human rights, sedated by outdated concepts and methods, have fallen asleep while serious threats are being posed to human rights by scientific and technological developments. The second book is entitled, more directly, Human Rights and Scientific and Technological Developments. The present document is based entirely on these two publications; the author has very generously given his consent.

3. The learned author grants that science and technology are making major contributions to the quality of our lives today. Moreover, technology, whether we like it or not, has come to stay. We need it and therefore let us use it, but not in a way that would result in an erosion of human rights. According to the Hon. Mr. Justice M.D. Kirby, CMG, Chairman of the Australian Law Reform Commission, the author "tries to open the eyes of a generation so dazzled by technological innovations that it is blinded to the social and human dangers that need to be seen". The author has certainly achieved this with an astonishing wealth of material expressed in clear and simple terms which even a "lay person" can comprehend. Of course, there are always the blind, but none so blind as those who refuse to see.

4. The present document proposes to draw attention to only a few of the inroads on human rights referred to in the books. Quite early in the first chapter of The Slumbering Sentinels the author focuses on one of the major threats to human rights. Using the annual British arms exhibition at Aldershot as an example, attention is drawn to the sad fact that half the world's scientific endeavour is devoted to the production of weapons of destruction. There is hardly any doubt in his mind that "the integrity of the human personality" was far from the minds of the British organizers and the foreign patrons of this "Carnival of Death." What is most significant is that this and other trades in death are perfectly legal, sanctioned by international and national law, and they continue without any protest from a legal profession accustomed to combating minor abuses of human dignity.

5. In the third chapter, entitled "Inadequacies of the Law," attention is drawn to the fact that matters formerly in the sphere of judicial discretion can now be entrusted to mechanical devices such as speed-detectors,

videotapes, scent-detectors, mathematical calculations, computers, etc. Consequently the burden of proof is being shifted on to the accused, thus "weakening the legal attitudes which built protective safeguards around people and their rights." For instance, the prosecution can today put forward "machine evidence" and smugly sit back challenging the accused to prove his or her innocence (arts. 10 and 11 of the Universal Declaration). In addition, there is an increasing tendency in some countries to require the suspect to submit to various machines like "lie-detectors," "voice-samplers," etc., to regard such submission as obligatory and to treat refusal as an admission of guilt. Procedures of this kind can jeopardize the common law principle that a suspect cannot be obliged to give evidence that might incriminate him or her.

6. The fourth chapter deals, at considerable length, with "The Human Body". While hailing the progress made in medical science, the author remarks that the ability to heal also brings with it the ability to tinker, to fabricate, to mould and to interfere with the process of creation, of life itself and its termination. As many as 13 issues are critically and carefully examined. It is here possible to refer only to one to illustrate the extent to which technology can be abused so as to make inroads on human rights. In 1972 Dr. José Delgado was able to enter a bullring in the path of an infuriated charging bull and, using remote control to activate electrodes implanted in the animals's brain, to calm its rage and halt it in its track. This is only one of a multitude of techniques which science has made available for influencing the mammalian, including the human brain. These techniques raise ethical and human rights issues which penetrate the Universal Declaration's assertions of the dignity and worth of the human being (art. 1), their freedom from degrading treatment (art. 5), their right to recognition as people (art. 6), their right to privacy (art. 12), their right to freedom of thought (art. 18) their right to health (art. 25.1). and their right to a full development of their personalities (art. 29.1).

7. In chapter five, which deals with "Human Society", the author deals, inter alia, with the threats to privacy as illustrated in the field of medical records in data banks. With the increasing trend today for people to resort to periodic and comprehensive medical tests, large amounts of confidential information given to medical staff are fed into computers. There is no guarantee that the information recorded will not leak out to irresponsible elements, become tempting objects of thefts for blackmail or other sinister purposes, or even, in some countries, be given to the police. It is also pointed out that sophisticated technology for invading privacy in general, is freely on sale. Many of these are simple such as transmitters and bugs. More sophisticated devices threaten other rights as well. For example, a light beam bounded off a window pane can be used to reconstruct the conversation in a room or the deliberations in a closed private meeting. A laser beam reflected off any object in a room can do likewise. Details such as this can have a "chilling" effect on one's conception of the freedom of association and expression (arts. 20 and 21).

8. Article 6 of the Universal Declaration asserts the right of everyone to work but, as illustrated by the author, there is a massive erosion of this right by the development of technology. He carefully works out that, on average, a clerk through 40 years of his or her working life would have accumulated 80,000 hours of work. It has been proven that this clerical

contribution can be matched by a computer in just four minutes! This means that increasing numbers of people, especially in the developing world will find themselves out of work and millions of today's schoolchildren will never have jobs.

9. In the chapter on "The Human Habitat", almost every human rights issue that has been considered in various forums in preparation for the United Nations Conference on Environment and Development is dealt with. A word about food may be useful in view of its basic importance for life itself. The technology which produced the "miracle" strains of grain induced the "third world" farmer to rely on advanced technology for seeds and fertilizers. Patents on the new seed varieties gave their creators a financial interest which they, or the multinationals which took over from them, have not hesitated to exploit. The farmers' dependence on these giant corporations, which are also producers of petrochemical fertilizers and pesticides, is now complete. Consequently, we have the phenomenon of the rich farmer getting richer and the poor farmer getting poorer. This is the result of an unequal "clash" between the profit motive of commercial giants and the food needs of the poor world. Agricultural technology also makes food a political weapon in the hands of a few surplus grain producers which, in a food shortage, would be arbiters in the distribution of food.

10. Before concluding, it is necessary to emphasize that the books are not, repeat not, purely theoretical analyses of a monumental human rights issue. The Slumbering Sentinels, for example, is rounded up (in chapter 11) with a comprehensive and concrete "Agenda for Action", listed under as many as 55 subheadings.

11. The World Federation of United Nations hopes that this brief description will convince the Preparatory Committee that "Science, technology and human rights" should be given a place on the agenda for the World Conference on Human Rights. It is also proposed that the Centre for Human Rights consider organizing a symposium of experts on this theme and that the report of this symposium be submitted to the World Conference. To ignore this subject would make all of us members of the club of "The Slumbering Sentinels".

12. A resolution on this issue was adopted in 1968 at the Tehran Conference on Human Rights. Since then, however, there has been such a phenomenal advance in science and technology that one cannot rule out the possibility that the ways in which scientific and technological developments can be used may result in an even greater erosion of human rights.